

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Jeffrey Scott Weaver	Examiner:	Vincent M. Rudolph
Serial No.:	10/085,713	Group Art Unit:	2625
Filed:	February 28, 2002	Docket No.:	10010089-1
Title:	ENABLING PRINTING FEATURES FOR AUTHORIZED USERS		

DECLARATION OF PRIOR INVENTION UNDER 37 C.F.R. § 1.131

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

This Declaration is submitted to establish prior invention of the subject matter of the present patent application in the United States. The person making this Declaration is the inventor Jeffrey Scott Weaver.

Accompanying this Declaration are Exhibits A through D to establish conception of the subject matter of the present patent application in the United States prior to the earliest effective date of February 12, 2002 of the Berndt US Publication No. 2003/0151760 coupled with due diligence from prior to the earliest effective date of the Berndt publication up to the filing date of the present patent application (i.e., constructive reduction to practice).

Exhibit A (4 pages) includes a copy of HP Invention Disclosure No. 10010089 submitted by the inventor Jeffrey Scott Weaver and received by the HP Legal Department prior to the earliest effective date of the Berndt US Publication No. 2003/0151760. This invention disclosure describes subject matter of the present patent application.

Exhibit B (1 page) includes an original email dated November 8, 2001, a date prior to the earliest effective date of February 12, 2002 of the Berndt US Publication No. 2003/0151760, from patent attorney Paul Qualey of the law firm Thomas, Kayden, Horstemeyer & Risley, L.L.P to HP Patent Attorney-Outsourcing Manager Steven R. Ormiston forwarding a draft patent application based on HP Invention Disclosure No. 10010089 (i.e., the present patent application), and includes a reply email dated November 21, 2001, a date prior to the earliest effective date of February 12, 2002 of the Berndt US Publication No. 2003/0151760, from HP Patent Attorney-Outsourcing Manager Steven R. Ormiston to patent attorney Paul Qualey of the law firm Thomas, Kayden, Horstemeyer & Risley, L.L.P approving of the draft patent application based on HP Invention Disclosure No. 10010089 (i.e., the present patent application).

Declaration under 37 C.F.R. § 1.131

Applicant: Jeffrey Scott Weaver

Serial No.: 10/085,713

Filed: February 28, 2002

Docket No.: 10010089-1

Title: ENABLING PRINTING FEATURES FOR AUTHORIZED USERS

Exhibit C (1 page) includes a copy of a letter dated November 26, 2001, a date prior to the earliest effective date of February 12, 2002 of the Berndt US Publication No. 2003/0151760, from patent attorney Paul Qualey of the law firm Thomas, Kayden, Horstemeyer & Risley, L.L.P to HP Legal Administrator Betty Hinkle forwarding the Declaration and Power of Attorney and the Assignment for the patent application based on HP Invention Disclosure No. 10010089-1 (i.e., the present patent application) for signature by the inventor.

Exhibit D (1 page) includes a copy of a letter dated February 26, 2002 from HP Legal Administrator Betty Hinkle to patent attorney Paul Qualey of the law firm Thomas, Kayden, Horstemeyer & Risley, L.L.P forwarding the executed Declaration and Power of Attorney for the patent application based on HP Invention Disclosure No. 10010089-1 (i.e., the present patent application). Subsequently, on February 28, 2002, the patent application based on HP Invention Disclosure No. 10010089-1 (i.e., the present patent application) was filed.


From these exhibits, it can be seen that the subject matter of the present patent application was conceived in the United States prior to the earliest effective date of February 12, 2002 of the Berndt US Publication No. 2003/0151760 coupled with due diligence from prior to the earliest effective date of the Berndt publication up to the filing date of the present patent application (i.e., constructive reduction to practice).

As a person signing below, I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name: Jeffrey Scott Weaver Date: May 21, 2007
Jeffrey Scott Weaver

EXHIBIT A

Write in Dark Ink on Front Side Only, Please

		INVENTION DISCLOSURE		PAGE ONE OF	
PDNO		10010089		DATE RCVD	
				ATTORNEY JRM	
<i>Instructions: The information contained in this document is COMPANY CONFIDENTIAL and may not be disclosed to others without prior authorization. Submit this disclosure to the HP Legal Department as soon as possible. No patent protection is possible until a patent application is authorized, prepared, and submitted to the Government.</i>					
Descriptive Title of Invention:					
E-label Enabled Download of User Specific Features					
Name of Project:					
n/a					
Product Name or Number:					
n/a					
Was a description of the invention published, or are you planning to publish? If so, the date(s) and publication(s):					
NO					
Was a product including the invention announced, offered for sale, sold, or is such activity proposed? If so, the date(s) and location(s):					
NO					
Was the invention disclosed to anyone outside of HP, or will such disclosure occur? If so, the date(s) and name(s):					
NO					
<i>If any of the above situations will occur within 3 months, call your IP attorney or the Legal Department now at 1-888-4819 or 970-898-4919.</i>					
Was the invention described in a lab book or other record? If so, please identify (lab book #, etc.)					
NO					
Was the invention built or tested? If so, the date:					
NO					
Was this invention made under a government contract? If so, the agency and contract number:					
NO					
Description of Invention: <i>Please preserve all records of the invention and attach additional pages for the following. Each additional page should be signed and dated by the inventor(s) and witness(es).</i>					
A. Description of the construction and operation of the invention (include appropriate schematic, block, & timing diagrams; drawings; samples; graphs; flowcharts; computer listings; test results; etc.)					
B. Advantages of the invention over what has been done before.					
C. Problems solved by the invention.					
D. Prior solutions and their disadvantages (if available, attach copies of product literature, technical articles, patents, etc.).					
Signature of Inventor(s): Pursuant to my (our) employment agreement, I (we) submit this disclosure on this date: [REDACTED].					
Employee No.		Name		Signature	
		Jeffrey S. Weaver		[Signature]	
				Telnet Mailstop Entity & Lab Name	
				DLP	
Employee No.		Name		Signature	
Employee No.		Name		Signature	
Employee No.		Name		Signature	
<i>(If more than four inventors, include additional information on another copy of this form and attach to this document)</i>					

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INVENTION DISCLOSURE		COMPANY CONFIDENTIAL	PAGE ____ OF ____
Signature of Witness(es): (Please try to obtain the signature of the person(s) to whom invention was first disclosed.)			
The invention was first explained to, and understood by, me (us) on this date: [REDACTED]			
Full Name	Signature	Date of Signature	
PHILLIP R. LUQUE	<i>Phillip R. Luque</i>	[REDACTED]	
Full Name	Signature	Date of Signature	

Inventor & Home Address Information: (If more than four inventors, include addl. information on a copy of this form & attach to this document)			
Inventor's Full Name Jeffrey Scott Weaver (On-File)			
Street			
City		State	Zip
Do you have a Residential P.O. Address? P.O. BOX	City	State	Zip
Greeted as (nickname, middle name, etc.)	Citizenship		

Inventor's Full Name			
Street			
City		State	Zip
Do you have a Residential P.O. Address? P.O. BOX	City	State	Zip
Greeted as (nickname, middle name, etc.)	Citizenship		

Inventor's Full Name			
Street			
City		State	Zip
Do you have a Residential P.O. Address? P.O. BOX	City	State	Zip
Greeted as (nickname, middle name, etc.)	Citizenship		

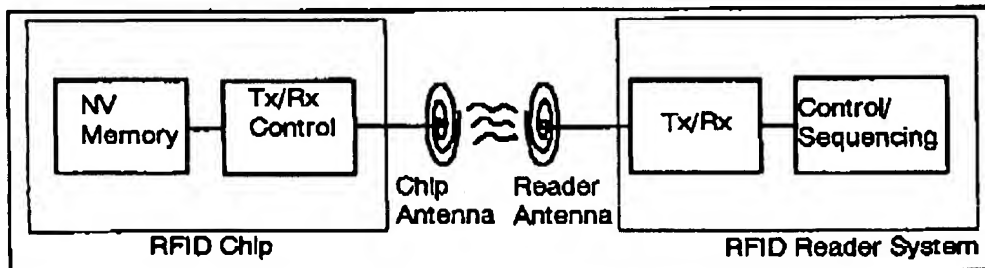
Inventor's Full Name			
Street			
City		State	Zip
Do you have a Residential P.O. Address? P.O. BOX	City	State	Zip
Greeted as (nickname, middle name, etc.)	Citizenship		

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Description of Invention: <i>Please preserve all records of the invention and attach additional pages for the following. Each additional page should be signed and dated by the inventor(s) and witness(es).</i>
A. Description of the construction and operation of the invention (include appropriate schematic, block, & timing diagrams; drawings; samples; graphs; flowcharts; computer listings; test results; etc.) (see attached page for basic description of e-label) The e-label system being included in HP's next generation of printers will have an RFID tag reader system in the printer. This tag reader is to be used to communicate with e-label cartridges. The tag reader could also be used to communicate with a second tag brought in close proximity to the printer to enable functionality, such as inserted into a provided slot or laid on top of the printer in a designated area. The printer firmware could be modified to enable the printer to detect such a tag, and then communicate with it in addition to the cartridge. This capability could be used to implement controlled download of software into a printer or access to data to enable enhanced printing features. Examples of such features are fonts, printing of tickets, digital signatures, and photo or halftone algorithms. A tag containing information on how to access the downloadable data is activated by being within the e-label reader's range. The tag could contain an URL or other address type information where the printer could get the desired data from. In addition, the tag could contain a key to authorize download of the data, and to enable usage of the data in the printer if the data has already been stored in the printer. For example, a font could be purchased by a user. The user would be sent a tag which both tells the printer how to access the font, and enables usage of the font only when the tag is present at the printer.
B. Advantages of the invention over what has been done before. Utilizes a system that will already be in the printer to perform additional functionality. Provides a secure system for controlling access to options and features.
C. Problems solved by the invention. How to authenticate and/or license usage of optional features. Automates the downloading and installation process. System is non-contact, so wear and tear is much less and reliability is higher.
D. Prior solutions and their disadvantages (if available, attach copies of product literature, technical articles, patents, etc.). Manual download of data with a user-typed authorization key. Requires user to perform many steps and in many cases the accessed data can be used multiple times.

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Figure 1: Block diagram of RFID Tag/Reader System



RFID system, E-label system, and printer communication descriptions:

An RFID system has a transmitter/receiver which modulates an RF carrier according to standards defined by chip manufacturers. The RF energy generated is transmitted by an antenna, which is coupled to a tag antenna. The tag rectifies the RF and uses it to supply power to the chip, and also demodulates the transmitted commands/data. It then can store received data in the non-volatile memory, or can retrieve data for transmission back to the reader. To transmit data back to the reader, the tag typically uses load modulation, where a resistive load is switched across the chip power bus. This causes a change in the loading of the chip antenna, and this change is detected back at the reader by monitoring the power coupled. Several standard frequency and modulation schemes are in common use. The most popular frequency uses 13.65 MHz carrier frequency, although systems using anywhere from 100 kHz to several Gigahertz exist. Distances of up to several feet between tag and reader are possible at high powers, but most systems use limited power and see typical maximum distances of several inches. Most communication protocols for RFID tags include some mechanism to scan for multiple tags within the reader's range, to detect collisions (two or more tags attempting to respond simultaneously) and provisions to isolate an individual tag for communication.

Secure storage, communication, and identity authentication is a primary application of RFID technology. Data to be stored within the tag may be encrypted prior to transmission, and access codes or challenge/response techniques may be used to limit access to tag data or functionality.

E-label is an HP name for an RFID system to be used in HP's next generation of printers. An RFID tag reader will be built into the printer, and a tag will be hidden on the cartridge.

The e-label system being installed in HP's next generation of printers will be used to positively identify a given cartridge as genuine HP product, prevent fraud by toner refillers, and to keep track of numerous usage information such as toner quantity, printed page counts, dot counts, OPC revolutions, etc. This disclosure identifies additional uses for the system advantageous for future application of the system and possible enhancements.

For cases where a printer must transmit or receive additional information from a computer or network, many printers have direct network connections and can communicate directly over a network. HP's next generation of printers will have additional network intelligence allowing more sophisticated access to networked data. In the case where a printer does not have a direct network connection, it usually has a bi-directional communication capability directly with the computer it is connected to. Via the printer driver, the computer could then handle the network connection or data storage appropriately.

EXHIBIT B

TOLLERUD,ANGELA (Non-HP-Boise,ex1)

From: ORMISTON,STEVEN (Non-HP-Boise,ex1)
Sent: Wednesday, November 21, 2001 12:06 PM
To: Qualey, Paul
Cc: Angela Tollerud (E-mail)
Subject: RE: Draft of Patent Application

Paul,

Okay. No changes. Steve Ormiston.

Steven R. Ormiston
Outsourcing Manager, Patent Attorney
Hewlett-Packard Co.
Boise, ID
(208) 396-2544
steve_ormiston@non.hp.com

-----Original Message-----

From: Qualey, Paul [mailto:paul.qualey@tkhr.com]
Sent: Thursday, November 08, 2001 4:09 PM
To: 'steve_ormiston@non.hp.com'
Subject: Draft of Patent Application

THIS IS A CONFIDENTIAL ATTORNEY-CLIENT COMMUNICATION

Steve:

Here is the draft of 10010089 for your review. Please provide me with your comments at your earliest convenience.

<<Utility Application.doc>> <<Fig01.vsd>> <<Fig0203.vsd>>
<<Fig0405.vsd>> <<Fig06.vsd>> <<Fig07.vsd>> <<Fig08.vsd>> <<Fig09.vsd>>
<<Fig10.vsd>>

Sincerely,

Paul

Thomas, Kayden, Horstemeier & Risley, L.L.P.
100 Galleria Parkway, N.W.
Suite 1750
Atlanta, Georgia 30339-5948
Phone (770) 933-9500
Fax (770) 951-0933

TKHR**THOMAS, KAYDEN, HORSTEMEYER & RISLEY, L.L.P.**

ATTORNEYS AT LAW

INTERNATIONAL PATENT, TRADEMARK AND COPYRIGHT LAW AND RELATED LITIGATION

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MAY 22 2007

November 26, 2001

GEORGE M. THOMAS
JAMES W. KAYDEN
SCOTT A. HORSTEMEYER, P.C.
STEPHEN R. RISLEY
JEFFREY R. KUESTER
DANIEL R. MCCLURE
DANIEL J. SANTOS
DAN R. GRESHAM

ROBERT E. STACHLER II
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DAVID R. RISLEY
M. PAUL QUALLEY, JR.
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DAVID P. KELLEY
OF COUNSEL

PETER V. D. WILDE
OF COUNSEL, IN OFFICE
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Betty Hinkle
Hewlett-Packard Company
Legal Dept. 314
11307 Chinden Blvd.
Boise, ID 83714

RECEIVED

NOV 27 2001

H. P. BOISE LEGAL

RE: U.S. Utility Application
Title: Enabling Printing Features for Authorized Users
Inventor: Jeffrey Scott Weaver
You Docket: 10010089-1-1; Our Docket: 050830-1590

Dear Betty:

Enclosed herewith please find the utility application and drawings for the above-referenced invention. Also enclosed is the Declaration and Power of Attorney. Please have the inventor sign and date the Declaration and return it to our office, so we may file it with the U.S. Patent and Trademark Office (USPTO).

Also enclosed is the original Assignment for the above-identified application. We understand that you will obtain the inventor's signature and ensure that the executed assignment is filed with the USPTO.

Please call if you have any questions or comments, or need any further assistance, regarding the above.

Sincerely,

THOMAS, KAYDEN,
HORSTEMEYER & RISLEY, LLP

M. Paul Qualley, Jr.

MPQ/slr
Enclosures

Suite 1750, 100 Galleria Parkway, N.W., Atlanta, Georgia 30339-5948 U.S.A.

EXHIBIT D



Hewlett-Packard Company
11307 Chinden Boulevard
Mail Stop 314
Bosco, ID 83714
www.hp.com

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MAY 22 2007

Betty Hinkle
Legal Administrator

208 396 5319 Tel
208 396 3958 Fax

February 26, 2002

M. Paul Qualey, Jr.
Thomas, Kayden, Horsterneyer & Risley, LLP
Suite 1750
100 Galleria Parkway, N.W.
Atlanta, Georgia 30339-5948

RE: Hewlett-Packard Patent Application(s)
Our Ref(s):: 10010089-1
Your Ref(s):: 050830-1590

Dear Paul:

Enclosed please find the signed Declaration(s) and Power of Attorney(s) for the above-mentioned application(s).

The Assignment(s) have also been signed. It is HP's policy to record the Assignment after receiving the Filing Receipt. I will retain the Assignment(s) for filing out of our office.

If you have any questions or concerns, please let me know.

Regards,

Betty Hinkle by Julie Black
Betty Hinkle
BH/tb

Enclosure